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BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV: Moorpark-Newbury 66 kV Subtransmission Line Project.	A.13-10-021 (Filed October 28, 2013)

[PUBLIC VERSION]
CENTER FOR BIOLOGICAL DIVERSITY'S COMMENTS ON ALJ'S PROPOSED DECISION

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Pursuant to Rule 14.5 of the Rules of Practice and Procedure of the California Public Utilities Commission (the "Commission") the Center for Biological Diversity ("the Center") submits its comments on the Proposed Decision on in the Application of Southern California Edison Company (the "Applicant" or "SCE") for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV: Moorpark-Newbury 66 kV Subtransmission Line Project ("PD"). Approval of this application for an unnecessary project based upon this PD would be in gross violation of the California Environmental Quality Act ("CEQA") at great waste to ratepayers. The Commission cannot now justify its continued violation of CEQA based upon its past illegal activities. The Commission has taken the wrong turn at every juncture in this process and would be engaging in further violations of CEQA, Public Utilities Code, and its own rules should it approve this project based on this PD or any PD issued without the preparation of an EIR for this project. This PD should be disregarded in its entirely and the Commission should either deny this application entirely or order its staff to prepare an EIR that actually addresses this project and stay proceedings until the EIR is complete.

ARGUMENT

I. CEQA Violations

Pursuant to CEQA, an EIR must be prepared for this project, for this *entire* project, prior to the issuance of any approvals. Commission staff have failed to prepare an EIR that identified, analyzes, and mitigates the environmental impacts of the project for which the applicant has applied, the construction of the Moorbury-Newbury 66kv subtransmission line. The document upon which the PD purports to rely as an EIR is entirely insufficient as it does not address the project applied for but instead illegally piecemeals the project into two parts neither which have any independent utility.

According to the PD, the Commission has the authority to determine when a project is a project and when it is not. This is not so.

The PD argues that there was no project until the Commission said there was a project in its decision overturning its past decision permitting construction of the line:

> If an activity does not require a permit, it is not a "project" subject to CEQA in the first place. Here, SCE's advice letter was not an application for a permit, and the Commissions' inquire at the time SE filed its advice letter was not whether construction of the Moorpark-Newbury 66kv Transmission Line was exempt from CEQA review. Rather, the Commission's inquiry was whether the construction was exempt from GO 131D's permitting requirements such that it was not a "project" and therefore not subject to CEQA in the first place. Resolution E-4225 affirmed, and Resolution E-4243 Reaffirmed, that the activity did not require a permit pursuant to GO 131-D. As it did not require a permit, the activity was not a "project" and was not subject to CEQA.

(PD at p. 14-15.)

This results-oriented attempt to justify further violations of CEQA represents an inaccurate factual history of this project as well as a total lack of understanding of the basics of CEQA law and inaccurate recitation of language of the applicable statute and Commission rules. Although the relevant legal language is not used in this vague and unspecific argument, it amounts to an argument that the advice letter proceeding is ministerial and, therefore, not subject to CEQA. The PD contends that the advice letter proceeding was ministerial and, despite being approved via a resolution by a vote of the full Commission that included specific conclusions regarding the lack of environmental impacts, was not discretionary. At the same time, this PD

claims that a subsequent decision by a vote of the full Commission to overturn its past resolutions somehow operated to transform this into two separate projects, one for which an EIR was needed and other for which no action need to taken at all. This is a shockingly blatant attempt to piecemeal one project into two projects, neither of which have any independent utility, and to manipulate CEQA review so that the majority of impacts of the fictional first project will never be reviewed or mitigated and the impacts from the fictional second project will be greatly, artificially reduced.

A. Impermissible Attempt to Convert a Discretionary Decision to a Ministerial action to Evade CEQA

State agencies, including the CPUC, do not have the right to declare a decision ministerial rather than discretionary to evade CEQA review. "[F]or truly ministerial permits an EIR is irrelevant. No matter what the EIR might reveal about the terrible environmental consequences of going ahead with a given project the government agency would lack the power (that is, the discretion) to stop or modify it in any relevant way. The agency could not lawfully deny the permit nor condition it in any way which would mitigate the environmental damage in any significant way. . . . Thus, to require the preparation of an EIR would constitute a useless -- and indeed wasteful -- gesture." (*Friends of Westwood, Inc.* v. *City of Los Angeles* (1987) 191 Cal.App.3d 259, 272.)

Clearly, the Commission does not "lack the power (that is, the discretion) to stop or modify" transmission line projects "in any relevant way" and do have the discretiaonry power to approved or deny approval of transmission line project. At the same time, applicants do not have a codified right to construct a transmission line simply upon filing for an advice letter. Parties may protest and "construction may not commence until the Executive Director or Commission has issued a final decision." (Commission General Order ("GO") 131D(III)(B).) Advice letters submitters do not have a right to approval – advice letters can and are routinely denied. For example, the Commission recently rejected a SCE advice letter for construction of a transmission line where SCE contended that GO 131D(III)(B)(g) exemption applied because "Commission staff find that GO 131-D exemption "g" does not apply to the Project because more than 94

percent of the Project would be constructed on SCE Fee-Owned property. In addition, SCE's preliminary environmental documentation indicates that [] environmental resources and special-status species may be impacted by the Project . . . Commission staff anticipate that mitigation will be required to avoid or reduce impacts on one or more of these resources or special-status species." (Advice letter 3356-E available at: https://www.sce.com/NR/sc3/tm2/pdf/3356-E.pdf.)

B. *The Commission Cannot Rely Upon Its Past Illegal Actions To Justify Use Of A Baseline That Artificially Piecemeals This Project Into Two Fictional Halves And Fails Entirely To Analyze And Mitigate For The Majority Of The Project's Impacts*

While the Commission failed to actually notice and publish a negative declaration as required by CEQA and its own rules, it acted as if it were proceeding under a valid negative declaration. The Commission is therefore bound to abide by the law that establishes that the baseline of a project is set when environmental review commences. The environmental review of this project commenced in 2010, when, in both Resolutions E-4225 and 4243, the Commission analyzed and made findings of fact and conclusions of law regarding environmental impacts and application of CEQA. In making its determination that there would be no environmental effects and that the applicant could rely upon GO 131D, the Commission thereby effectively relied upon a negative declaration. The baseline for environmental review of this project is, therefore 2010, when environmental review commenced, prior to the construction of the project. The Commission must therefore either reject this project as not in compliance with CEQA or order the staff to prepare an EIR for the project with the baseline properly set as 2010.

In both Resolutions E-4225 and E-4243 the Commission made a finding that "The proposed facilities are consistent with General Order 131-D ("GO 131-D"), Section III, Subsection B.1.g. ("Exemption g."): "power line facilities or substations to be located in an existing franchise . . . for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts." (Resolution E-4243 at p. 22.)

At the time it issued Resolution E-4243 the Commission had not prepared a negative declaration. In fact, the Commission never prepared a negative declaration or an EIR for this project prior to permitting construction. This is, of course, in violation of CEQA: "[I]f the agency approves the project on the basis of a negative declaration it must file a notice stating its

determination that, inter alia, "the project will not have a significant effect on the environment." (Guidelines, § 15075, subd. (b)(4).)" (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165, 1201.)

Despite acknowledging in Resolution E-4243 that "The Appeals [sic] claim that Exemption g. cannot apply because a copy of a negative declaration or environmental impact report must be provided for this project," the Commission entirely failed to address its failure to comply with both CEQA and GO 131D's requirement that a negative declaration be issued. While the Commission failed to actually notice and publish a negative declaration as required, it acted as if it were proceeding under a valid negative declaration. While this was not in fact so, the Commission is still bound to abide by the law that establishes that the baseline of a project is set when environmental review commences. "Establishing a baseline at the beginning of the CEQA process is a fundamental requirement so that changes brought about by a project can be seen in context and significant effects can be accurately identified. (*Save Our Peninsula*, *supra*, 87 Cal.App.4th at p. 125 ["baseline determination is the first rather than the last step in the environmental review process"].) When an EIR omits relevant baseline environmental information, the agency cannot make an informed assessment of the project's impacts. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952 [91 Cal.Rptr.2d 66].) Due to these errors, the EIR failed its informational purpose under CEQA." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal. App. 4th 70, 89.)

The CEQA Guidelines define the beginning of the CEQA process as either "at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced." (Cal. Code Regs., tit. 14, § 15125, subd. (a); *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310, 320-321.) In this case, environmental analysis commenced when the Commission purported to analyze various environmental impacts including "focused surveys" of endangered species and consideration of climate change impacts and in its review of the advice letter. This process functioned as the initial study.

"Although [Section 15125, subdivision (a) of the CEQA Guidelines] refers specifically to the analysis in an EIR, the agency determination it addresses—"whether an impact is

significant"—also arises at the initial study phase of CEQA review, when the agency must decide whether there are any significant environmental effects requiring assessment in an EIR. As all parties agree, the regulation is thus equally applicable at this phase. (See §§ 21060, 21068 [single definition of " '[s]ignificant effect on the environment' " applies throughout CEQA]; Fat v. County of Sacramento (2002) 97 Cal.App.4th 1270, 1277–1278 [119 Cal. Rptr. 2d 402].) (*Communities for a Better Environment v. South Coast Air Quality Management Dist., supra,* 48 Cal. 4th at p. 320n5.)

While the Commission failed to comply with the procedural requirements of CEQA in noticing and publishing a negative declaration, the Commission still effectively undertook and relied upon an initial study during the advice letter proceeding: "SCE submitted a memorandum from Bonterra Consulting, demonstrating that focused surveys for endangered species were conducted according to resources agency protocol and none of the species were found to exist along the route of the propose facilities." (Resolution E-4243 at p. 13.) Referencing "focused surveys" for endangered species Lyon's Pentacheata and Conejo Dudleya and California gnatcatchers, the Commission made a finding that "the project ROW section within designated, precisely mapped habitat were surveyed according to recourse agency protocol and were found to be devoid of listed species. Thus, there is not a reasonable possibility that that activity of constructing the facilities would impact listed species." (E-4245 at p. 23.)

The PD provides no law or precedent, and there is no law or precedent that supports the argument that the already constructed portion of this project is exempt from environmental review. The cases cited in the PD do not address the situation here – where an agency wrongly purported to rely upon on a negative declaration and its own illegal exemptions (that do no qualify as CEQA categorical exemptions) and now attempts to rely on the earlier illegal failure to prepare an EIR to adjust the baseline so that it can engage in less review.

Lewis v. Seventeenth Dist. Agric. Ass'n (1985) 165 Cal. App. 3d 823 is analogous. In Lewis, major changes to a race car track were made in 1973 with no environmental review, in violation of CEQA. Many years later, the track owners attempted to gain approval for action at the track based upon a categorical exemption arguing that the use had not changed since 1973. The court found that reliance on a categorical exemption was not permitted based upon the use of

the property with a baseline of 1973, prior to the illegal construction. Likewise, here the Commission wrongly relied upon on negative declaration in 2010 and permitted construction of most of this project. The Commission cannot now rely upon that illegal construction to claimed a baseline post-dating the construction.

C. The PD Endorses Illegal Piecemealing of the Project

The PD has endorsed an illegal piecemealing of this project into two halves – the construction already complete which the PD would have be entirely immune from any environmental review, and the yet-to-be constructed part of the project for which the PD would permit review that does not fully analyze or mitigate the impacts of. The PD asserts, "To be sure, by D.11-11-019's order directing SCE to cease construction and apply for a permit to construct the power line, additional power line construction therefore became a "project" under CEQA because it therefore because "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA Guidelines 15378(a).) Nevertheless, the Commission's post-hoc order requiring SCE to obtain a permit to construct the power line cannot be held to transform the prior construction into an illegal activity under CEQA." (PD at p. 15.)

The current proceeding is for an application for a permit to construct the entire transmission line for which an EIR is required. Nothing has changed about this project from 2010 to present – it was always a project with environmental impacts that required a discretionary approval from the Commission. The fact that the Commission illegally approved the project via the two resolutions and permitted most of it to be constructed in violation of all applicable laws does not magically transform part of the project, at some convenient but otherwise arbitrary point in the past, into anything other than a project.

CEQA applies to the "whole an action" and the courts have come down hard on attempts to split up projects for the purpose of evading full CEQA review. The Guidelines are unambiguous on this point: "'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Cal. Admin. Code, tit. 14, §15378.)

Long ago, the California Supreme Court declared that CEQA mandates that "environmental consideration do not become submerged by chopping a large project into many little ones – each with minimal potential impact on the environmental – which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal. 3d 263, 283-284.) In *Bozung*, the Court relied upon the language of CEQA Guidelines section 15069, "Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency must prepare a single EIR for the ultimate project." (Cal. Admin. Code, tit. 14, § 15069.)

The principles laid out on *Bozung* have been relied upon in a long line of cases. (See *City of Antioch v. City Council* (1986) 187 Cal. App. 3d 1325, 1334; *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151.) If the Commission approves this project based on the PD, the Commission will have illegally permitted "chopping a large project into many little ones." The situation in this case is much more egregious than most of the cases addressing piecemealing. Here, there is absolutely no independent utility to these two artificially split projects – each a partially complete transmission line that cannot operate without the other half. Standing alone, neither portion of the project "will result in public benefits which meet the criteria [of] . . . Independent utility of the project and the meeting of local and state needs for such amenities." (*Del Mar Terrace Conservancy v. City Council* (1992) 10 Cal. App. 4th 712.)

The PD is again wrong on the law when it asserts that "CEQA Guidelines 15069 and it prohibition against "piecemealing" a project into its parts concerns future activities, not past activities that are properly included in the project baseline as was the case in Fat, Riverwatch and Eureka Citizens." (PD at p. 16.) First, these cases all involve activities separate from the project at issue and do not stand for the proposition that you can conduct environmental review for only half of a project with no independent utility based upon prior illegal acts of the regulatory agency. Those cases do not, in fact, address piecemealing at all.

Second, it simply isn't true that the prohibition against piecemealing only involves future activities – in fact, it most often involves past or contemporaneous activities. For example, *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136 addressed simultaneous approvals of two

projects that were found to be pieces of one. Holding that a single EIR was required, the court explained, "A narrow view of a project could result in the fallacy of division (Engel, With Good Reason (3d ed. 1986) pp. 113-115), that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole. (Cf. Bozung, supra, pp. 283-284; City of Carmel-by -the-Sea, supra, p. 243; Lexington Hills Assn. v. State of California (1988) 200 Cal.App.3d 415, 430 [246 Cal.Rptr. 97], and cases there cited.)" (*Id.* at p. 1144.)

Arviv Enterprises, Inc. v. South Valley Area Planning Com. required an EIR for pieces of a project that has been long since approved and built. (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal. App. 4th 1333, 1346.) In *Arviv*, a residential homebuilder succeeded in acquiring building permits for a number of buildings on adjacent parcels based upon categorical exemptions or negative declaration. These homes were built but, when the builder applied for additional permits to build more homes, residents objected and the City was convinced that the builder was attempting to piecemeal a single development project into many smaller projects. Finding that it had failed to consider the cumulative effects from the various construction projects, the city ordered the builder to stop on all construction until an EIR was completed for the entire project, including the homes already built. Following *Bozung*, the court upheld the city's actions holding that "this entire case is the direct result of inadequate, or misleading, project descriptions" and "the significance of an accurate project description is manifest, where, as here, cumulative environmental impacts may be disguised or minimized by filing numerous, serial applications." (*Ibid.*)

Likewise, this EIR suffers from an inadequate and misleading project description that attempts to split one project into two. Despite past actions by the regulatory agency allowing construction to go forth, that element of the project must still undergo review, as the already constructed homes in *Arviv*.

D. Cumulative Impacts Have Not Been Analyzed

The PD addresses cumulative impacts only to direct readers to an errata to the FEIR that was never noticed or served on the parties or the general public. The Center was unaware of this errata until it was mentioned in the PD and objects to this blatant procedural violation of CEQA.

The errata serves to amend the EIR in a substantial way and an amended or supplemental EIR needs to be noticed and the public provided an opportunity to comment.

Despite some attempt at creative wordsmithing, the errata does not change the fact that the cumulative impacts of the first half of the project are not addressed in any fashion. Despite use of the word "analyzed" in the errata in reference to the first half of the project, there is no analysis presented and no mitigation proposed.

Even if the two halves of the line could be split, analysis and mitigation of the cumulative impact is still required. "Moreover, even assuming the sewer expansion was severable from the development project, the FEIR still did not comply with CEQA. Public Resources Code section 21083, subdivision (b) requires the cumulative effects of two separate projects which are "individually limited but cumulatively considerable" to be addressed in the EIR. Thus, even were the sewer expansion deemed to be a separate "project," Public Resources Code section 21083 requires that the cumulative environmental effects of the development project plus the "expansion project" must be considered in the FEIR." (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. App. 4th 713, 733.)

II. There is no Need for this Project and No Overriding Consideration

The PD fails to demonstrate by substantial evidence that the applicant has met its burden of demonstrating that there is a need for this project. Furthermore, even if there were such a demonstration, there can be no valid demonstration overriding considerations when there has been no EIR completed for this project from which to judge the environmental impacts against other factors.

On a number of critical issues, the PD relies upon evidence either not in the records and/or fails to account for evidence directly contrary to conclusions reached. These amount to a PD that is not supported by substantial evidence.

Forecast and actual demand growth

The PD claims, "The EIR reasonably relied upon SCE forecasts after independent review by its environmental consultant and electrical transmission planning consultant." (PD at p. 20.) As noted in the Center's opening brief at 10, "There has been no actual peak load growth in the

ENA, SCE territory, or California over the last ten years. . . SCE's current 2015-2024 peak demand growth projection for the ENA . . . is unsupported in the record and opposite the decreasing peak demand trend in the ENA, SCE service territory, and California as a whole." The PD's acceptance of SCE's inflated load growth forecasts is only possible if contrary factual evidence presented by the Center, that there has been no load growth in a decade in the ENA and no basis to presume this actual trend with change in the future, is completely ignored.

Re-energizing Pharmacy Substation

The PD alleges that, "SCE is obligated to re-energize Pharmacy Substation following an outage of the Moorpark-Newbury-Pharmacy line." The Center is aware of no record evidence that SCE is obligated to re-energize the Pharmacy Substation following an outage of the M-N-P line. SCE presented no record evidence to support this statement in the PD. On the contrary, the interruption of power to a single radial line, such as the 66 kV MNP line serving the Pharmacy Substation, presupposes the loss of all power to the customer at the end of that radial line. An interruption of power to Pharmacy Substation would not be a "targeted load interruption" where SCE is singling-out Pharmacy Substation for an interruption of power in favor of other SCE customers. The loss of supply to Pharmacy Substation would not be a violation of SCE Tariff Rule 14.C (PD, p. 25), which would not be applicable in this specific case. Interruption of power to Pharmacy Substation is explicitly allowable under SCE planning criteria as noted at p. 11 of the Center's opening brief.

Reactive Power at Newbury Substation

The PD claims, "CBD also asserts that such violations can be resolved by installing more reactive power at the Newbury Substation and transferring some load from the Newbury Substation to adjacent substations. (Id.) CBD does not cite to any record evidence for this proposition in violation of Rule 13.11, and it is not apparent what CBD means by installing more reactive power at Newbury Substation." (PD at p. 20-21.)

The Center relies exclusively on record evidence to make this assertion as documented in the opening brief at 12-13. As the Center states in its reply brief at p. 6, the Newbury Substation

has 14.4 MVAR of capacitors installed currently and space set aside for the addition of another 14.4 MVAR of capacitors. In its planning for the Newbury Substation, SCE set aside space for the future installation of more reactive power at Newbury Substation. The Center has only proposed that SCE follow through with its previously planning and add 14.4 MVAR of capacitors. This record evidence, CBD 13-C and 14-C, was introduced as exhibits at the hearing and cited in the Center's briefing. As noted in CBD's opening brief at 13, the cost estimated by SCE to install 14.4 MVAR of capacitors is $1.5 million.

Battery Storage as an Alternative

The PD seeks to misdirect the evidence entered into record as testimony by SCE's witnesses by attacking the credibility of the Center: "SCE witness McCabe allegedly "admitted" under cross-examination that a four-hour battery could be used. (CBD reply brief, pp. 4-5, citing to RT 157-158, 160.) CBD mischaracterizes and obfuscates the testimony." (PD at p. 21.)

The Cetner did not mischaracterize McCabe's testimony. McCabe used as an example an actual SCE battery storage project with a four-hour battery duration, making clear by this example that a four-hour battery duration was already achievable at an actual SCE battery installation, while McCabe stated that a hypothetical battery at Pharmacy Substation with a two-hour duration would be insufficient for the four-hour duration needed, ignoring the fact that he had used an actual SCE battery installation with a four-duration as an example. Mr. McCabe failed to follow the logic of his own example and CBD pointed this out in its reply brief at pp. 4-5.

Voltage Violations

The PD misses the essence of this critical issue. The voltage violations occur because SCE assumes the capacitors are never turned off, even when there is no N-1 condition to contend with. It is the failure to turn off the capacitors that causes the voltage violations under normal operating conditions. The PD must conclude that, if the capacitors are automatically switched-off when the N-1 condition is cleared, as SCE agreed the capacitors can be configured to do, there

will be no voltage violation to address. The Center does not offer this configuration as a new project alternative. It is the No Project Alternative with the completion of the 14.4 MVAR capacitor build-out at the Newbury Substation pre-planned by SCE to address increased load over time, as noted in the Center's reply brief at p. 6, as well operational changes to shift some Newbury Substation load to [redacted] substations. The shifting of load to [redacted] substations with available capacity is a standard operating procedure at SCE, as indicated in the Center's opening brief at p. 12.

Dismissal of Alternatives

Citing to SCE witness McCabe rebuttal testimony, the PD claims that "based on SCE's investigation of a range of seven hypothetical capacitor-based options and consideration of space at the existing facilities, such alternative is not feasible." (PD at 22.) This witness's rebuttal testimony predates the hearing where the Center introduced as exhibits SCE voltage violation modeling runs received via discovery immediately prior to the hearing. These modeling runs demonstrated that, if 14.4 MVAR of additional capacitors is added at Newbury Substation, and a significant amount load is transferred to the [redacted] and [redacted] Substations, the No Project Alternative meets the project objectives.

Interruption of Pharmacy Substation

"System planning based on the targeted load interruption to one customer in order to provide other customers continued service would be a violation of SCE Tariff Rule 14.C, which requires in the event of a supply shortage that SCE apportion its electricity supply in an equitable manner." (PD at 22.) An interruption of power to Pharmacy Substation would not be a "targeted load interruption" where SCE is singling-out Pharmacy Substation for an interruption of power in favor of other SCE customers. The loss of supply to Pharmacy Substation would not be a violation of SCE Tariff Rule 14.C, as the loss of the single radial 66 kV line to the Pharmacy Substation would not be the result of a supply shortage. Interruption of power to Pharmacy Substation is explicitly allowable under SCE planning criteria as noted at p. 11 of the CBD opening brief.

WHEREFORE, the Center requests that the Commission consider the issues set forth in its Opening Brief, Reply Brief, and above and disregard this PE entirely and reject this Application. In the alternative, the Center requests that a full environmental review be conducted, as required by CEQA.

Respectfully submitted,

Center for Biological Diversity

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